

GREENFIELD CITY COUNCIL

199th Regular Meeting Minutes

November 20, 2019

7:00 p.m.

John Zon Community Center

35 Pleasant Street

Council Vote Summary

WEBSITE VERSION

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 20-045

MOTION: On a motion by Councilor Dolan, second by Councilor Mayo, it was, It was by roll call, 7 yes, 5 no,

DEFEATED: THAT IT BE ORDERED THAT "A RESOLUTION REQUESTING COMPENSATION FROM CVS HEALTH CORPORATION FOR SAID CORPORATION'S ROLE IN THE OPIOID ADDICTION CRISIS IN THE CITY OF GREENFIELD" PREVIOUSLY VOTED ON BY THE CITY COUNCIL ON OCTOBER 16, 2019, AND VETOED BY THE MAYOR ON OCTOBER 28, 2019, IS HEREBY APPROVED.

Order no. FY 20-056

MOTION: On a motion by Councilor Wheeler, second by Councilor Mass, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 19-111, "THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED THAT, THE SUM OF \$550,000 BE APPROPRIATED TO HIRE THE ARCHITECT AND ENGINEERING FIRMS TO DEVELOP THE PLANS FOR A NEW FIRE STATION AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$550,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS OR BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION , AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS", WHICH WAS TABLED AT THE MAY 22, 2019, CITY COUNCIL ANNUAL BUDGET MEETING.

Order no. FY 19-111

VOTED: THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED THAT, THE SUM OF \$550,000 BE APPROPRIATED TO HIRE THE ARCHITECT AND ENGINEERING FIRMS TO DEVELOP THE PLANS FOR A NEW FIRE STATION AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$550,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS OR BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION , AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

Order no. FY 20-028

MOTION: On a motion by Councilor Wheeler, second by Councilor Mayo, it was by majority show of hands, 5 yes, 9 no,

DEFEATED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-009, "THE SUM OF \$460,000 BY APPROPRIATED FOR THE REPLACEMENT OF THE HEATING SYSTEM IN GREEN RIVER SCHOOLS AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS

HEREBY AUTHORIZED TO BORROW SAID SUM OF \$460,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS OR BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.” WHICH WAS TABLED AT THE JULY 17, 2019 CITY COUNCIL MEETING.

Order no. FY 20-057

MOTION: On a motion by Councilor Wheeler, second by Councilor Mass, by unanimous show of hands, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-011 “APPROVES REPURPOSING IN THE AMOUNT OF \$300,000 OF PREVIOUSLY AUTHORIZED FOR REPAIR OF THE MAPLEBROOK CULVERT FOR I & I (INFLOW AND INFILTRATION) EVALUATION AND REPAIRS.” WHICH WAS TABLED AT THE SEPTEMBER 18, 2019, CITY COUNCIL MEETING.

Order no. FY 20-011

VOTED: TO APPROVE REPURPOSING IN THE AMOUNT OF \$300,000 OF PREVIOUSLY AUTHORIZED FOR REPAIR OF THE MAPLEBROOK CULVERT FOR I & I (INFLOW AND INFILTRATION) EVALUATION AND REPAIRS.

Order no. FY 20-068

MOTION: On a motion by Councilor Wheeler, second by Councilor Mayo, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-052 “IN ACCORDANCE WITH ARTICLE 3-1:(d) OF THE HOME RULE CHARTER, AS AMENDED, REQUESTS THAT THE FOLLOWING ORDINANCE BE ENACTED: THAT THE ANNUAL SALARY FOR THE MAYOR SHALL BE A MINIMUM OF \$105,000.00, EFFECTIVE IMMEDIATELY; AND IN ACCORDANCE WITH ARTICLE 2-4:2 OF THE HOME RULE CHARTER, AS AMENDED, REQUESTS THAT EACH TOWN (CITY) COUNCILOR RECEIVE AN ANNUAL SALARY OF \$15,000.00, EFFECTIVE ON JANUARY 15, 2021. FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.” WHICH WAS TABLED AT THE OCTOBER 16, 2019 CITY COUNCIL MEETING.

Order no. FY20-052

DEFEATED: IN ACCORDANCE WITH ARTICLE 3-1:(d) OF THE HOME RULE CHARTER, AS AMENDED, REQUESTS THAT THE FOLLOWING ORDINANCE BE ENACTED: THAT THE ANNUAL SALARY FOR THE MAYOR SHALL BE A MINIMUM OF \$105,000.00, EFFECTIVE IMMEDIATELY; AND IN ACCORDANCE WITH ARTICLE 2-4:2 OF THE HOME RULE CHARTER, AS AMENDED, REQUESTS THAT EACH TOWN (CITY) COUNCILOR RECEIVE AN ANNUAL SALARY OF \$15,000.00, EFFECTIVE ON JANUARY 15, 2021. FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

Order no. FY 20-069

MOTION: On a motion by Councilor Wheeler, second by Councilor Ricketts, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY20-053, “AMEND THE CODE OF THE CITY OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 56, ARTICLE VII:STIPEND FOR SCHOOL BOARD MEMBERS AND CITY COUNCILORS, SECTION 18: ANNUAL STIPEND, EFFECTIVE JANUARY 1, 2023. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE

NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.” WHICH WAS TABLED AT THE OCTOBER 16, 2019 CITY COUNCIL MEETING.

Order no. FY20-053

TABLED: AMEND THE CODE OF THE CITY OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 56, ARTICLE VII:STIPEND FOR SCHOOL BOARD MEMBERS AND CITY COUNCILORS, SECTION 18: ANNUAL STIPEND, EFFECTIVE JANUARY 1, ~~2023~~ **2024**.

AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

Order no. FY 20-065A

MOTION: On a motion by Councilor Wheeler, second by Councilor Mass, it was by majority, 1 no,

VOTED: THAT IT BE ORDERED THE GREENFIELD CITY COUNCIL VOTES IN ACCORDANCE WITH M.G.L., CH. 40, SEC. 56, AS AMENDED, THE PERCENTAGE OF LOCAL TAX LEVY WHICH WILL BE BORNE BY EACH CLASS OF REAL AND PERSONAL PROPERTY, RELATIVE TO SETTING THE FISCAL YEAR 2020 TAX RATES AND SET THE RESIDENTIAL FACTOR AT 1.0, WITH A CORRESPONDING COMMERCIAL, INDUSTRIAL AND PERSONAL PROPERTY (CIP) SHIFT OF 1.0, PENDING APPROVAL OF THE CITY'S ANNUAL TAX RECAP BY THE MASSACHUSETTS DEPARTMENT OF REVENUE.

Order no. FY 20-065B

MOTION: On a motion by Councilor Wheeler, second by Councilor Mass, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE CITY COUNCIL VOTES THAT NO RESIDENTIAL EXEMPTION BE ADOPTED FOR FISCAL YEAR 2020.

Order no. FY 20-065C

MOTION: On a motion by Councilor Wheeler, second by Councilor Ricketts, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE CITY COUNCIL VOTES THAT NO SMALL COMMERCIAL EXEMPTION BE ADOPTED FOR FISCAL YEAR 2020.

Order no. FY 20-054

MOTION: On a motion by Councilor Wheeler, second by Councilor Berson, it was by unanimous roll call,

VOTED: THAT IT BE ORDERED, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED, THAT THE GREENFIELD CITY COUNCIL APPROVE THE PAYMENT OF PRIOR YEAR FY19 INVOICE FOR PARTEK SOLUTIONS IN THE AMOUNT OF \$2,167.64 TO BE PAID FROM THE FY20 PARKING DEPARTMENT BUDGET.

Order no. FY 20-061

MOTION: On a motion by Councilor Wheeler, second by Councilor Mass, it was unanimously,

VOTED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THE FOLLOWING BORROWING AUTHORITIES TOTALING \$6,608,609 BE RESCINDED:

PURPOSE	DATE OF VOTE	ART #	AMT AUTH	AMOUNT ISS/RET/RESC/PD DWN	UNISSUED 8/30/2019
Green River School Windows & Roof	6/17/15	15-105	2,340,109	681,500	1,658,609
Federal St. School	2/19/16	16-120	5,750,000	800,000	4,950,000

Total Unissued: 6,608,609

Order no. FY 20-062

MOTION: On a motion by Councilor Wheeler, second by Councilor Stempel, it was unanimously, **TABLED FOR 30 DAYS PENDING REVIEW OF THE CONTRACT. : THAT IT BE ORDERED** THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN AND IN ACCORDANCE WITH MGL CH.30B §12B, ORDERED THAT THE CITY COUNCIL APPROVE A TWENTY (20) YEAR TERM FOR THE MILL BROOK WELLFIELD SOLAR PROJECT WITH GTR GREENFIELD MILBROOK SOLAR, LLC.

Order no. FY 20-048

MOTION: On a motion by Councilor Wheeler, second by Councilor Ricketts, it was by majority show of hands, 9 yes, 3 no,

TABLED TO JANUARY 2020 REGULAR FULL COUNCIL MEETING: TO AMEND AS FOLLOWS: ORDERED THAT THE CITY OF GREENFIELD HEREBY ACCEPTS SECTIONS 3 TO 7, INCLUSIVE, OF CHAPTER 44B OF THE GENERAL LAWS, OTHERWISE KNOWN AS THE MASSACHUSETTS COMMUNITY PRESERVATION ACT, BY APPROVING A SURCHARGE ON REAL PROPERTY FOR THE PURPOSES PERMITTED BY SAID ACT, INCLUDING THE ACQUISITION, CREATION AND PRESERVATION OF OPEN SPACE, THE ACQUISITION, PRESERVATION, REHABILITATION AND RESTORATION OF HISTORIC RESOURCES, THE ACQUISITION, CREATION, PRESERVATION, REHABILITATION AND RESTORATION OF LAND FOR RECREATIONAL USE, THE ACQUISITION, CREATION, PRESERVATION AND SUPPORT OF COMMUNITY HOUSING, AND THE REHABILITATION AND RESTORATION OF SUCH OPEN SPACE AND COMMUNITY HOUSING THAT IS ACQUIRED OR CREATED AS PROVIDED UNDER SAID ACT; THAT THE AMOUNT OF SUCH SURCHARGE ON REAL PROPERTY SHALL BE ~~(TO BE DECIDED)~~ 1% OF THE ANNUAL REAL ESTATE TAX LEVY AGAINST REAL PROPERTY COMMENCING IN FISCAL YEAR 2022; AND THAT THE CITY HEREBY ACCEPTS THE [FOLLOWING] EXEMPTION[S] FROM SUCH SURCHARGE PERMITTED UNDER SECTION 3(E) OF SAID ACT: PROPERTY OWNED AND OCCUPIED AS A DOMICILE BY ANY PERSON WHO QUALIFIES FOR LOW INCOME HOUSING OR LOW OR MODERATE INCOME SENIOR HOUSING IN THE CITY, AS DEFINED IN SECTION 2 OF SAID ACT; FOR \$100,000 OF THE VALUE OF EACH TAXABLE PARCEL OF RESIDENTIAL REAL PROPERTY; AND FOR \$100,000 OF THE VALUE OF EACH TAXABLE PARCEL OF CLASS THREE, COMMERCIAL PROPERTY, AND CLASS FOUR, INDUSTRIAL PROPERTY AS DEFINED IN SECTION 2A OF SAID CHAPTER 59 AS AMENDED.

Order no. FY 20-019

MOTION: On a motion by Councilor Gilmour, second by Councilor Ricketts, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY CHARTER ARTICLE 7, SECTION 7-8: CITIZEN REFERENDUM PROCEDURES, SUBSECTIONS (a), BE AMENDED BY INSERTING "OF ANY MEASURE" IN SUBSECTION (a) TO READ AS FOLLOWS:

SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

(a) Petition, effect on final vote. If, not later than 30 days after the date on which the City Council or the School Committee has voted to approve **of any measure**, a petition which was addressed to the City Council or to the School Committee and signed by a number of voters equal to 10% of the total number of voters voting in the most recent biennial election, but not less than 2 1/2% of all registered voters as of the same date, the petition is filed with the City Clerk, protesting against the measure or any part thereof then the effective date of such measure shall be temporarily suspended. Final approval under this section shall not be complete until the time for all remedies pursuant to Section 3-7 has expired. The School Committee or the City Council shall reconsider its vote on the measure or any part thereof at the next regularly scheduled meeting of that body and, if the measure is not rescinded the City Council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the School Committee, or at the next regular

City election; provided, however, that pending such submission and determination, the effect of the measure shall continue to be suspended.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.

Order no. FY 20-064

MOTION: On a motion by Councilor Gilmour, second by Councilor Ricketts, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR:

Jonathan Cohen-Gorczyca	Public Library Board of Trustees	Remainder of 3 year term to expire June 30, 2020.
Travis Drury	Greenfield Conservation Commission	Remainder of 3 year term to expire June 30, 2020.
Taffy Ruggeri	Recreation Commission	Remainder of 3 year term to expire December 31, 2021.
Adrienne LaPierre	Greenfield Cultural District Committee	Term to expire when the project is complete.

Order no. FY 20-066

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was unanimously,

TABLED UNTIL DECEMBER: THAT IT BE ORDERED TO ADOPT THE RESOLUTION AUTHORIZING THE SUBMISSION OF LOCAL INCENTIVE-ONLY APPLICATION AND SPECIAL TAX ASSESSMENT AGREEMENT FOR 401 LIBERTY STREET, LLC. TO THE ECONOMIC ASSISTANCE COORDINATING COUNCIL FOR THEIR REVIEW AND APPROVAL, AND TO WAIVE THE READING OF THE RESOLUTION.

Order no. FY 20-063

MOTION: On a motion by Councilor Stempel, second by Councilor Pyfrom, it was unanimously,

VOTED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED THAT PURSUANT TO THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 82:

- THAT THE CITY OF GREENFIELD HAS LAID OUT A PORTION OF WOODARD ROAD, A COUNTY WAY TO BE DISCONTINUED BY THE FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS, AS SUCCESSOR TO THE FRANKLIN COUNTY COMMISSION; AND BEING BETWEEN WOODARD ROAD'S NORTHERLY INTERSECTION WITH ROUTE 2A (MOHAWK TRAIL) AND ITS SOUTHERLY INTERSECTION WITH SHELBURNE ROAD. SEE PLAN OF LAND TITLES "PLAN OF WOODARD ROAD, PREPARED BY DANIEL L. WENER, P.L.S., DATE: SEPTEMBER 4, 2019" AFFIXED HERETO, AND WHICH HAS BEEN FILED WITH THE CITY CLERK SEVEN DAYS PRIOR TO THIS MEETING, AND WHICH SHALL BE RECORDED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS WITHIN THIRTY (30) DAYS HEREAFTER;
- THAT THE CITY OF GREENFIELD SHALL ACCEPT THE ABOVE SAID PORTION OF WOODARD ROAD LAID OUT IN SAID PLAN, AS A PUBLIC WAY OF THE CITY OF GREENFIELD.

Order no. FY 20-070

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was unanimously,

VOTED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, BE IT ORDERED THAT PURSUANT TO THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 82:

- THAT THE CITY OF GREENFIELD HAS LAID OUT A PORTION OF A ROAD COMMONLY REFERRED TO AS COURT SQUARE ADJACENT TO BANK ROW, MAIN

STREET, AND NEWTON PLACE, WHICH IS A COUNTY WAY TO BE DISCONTINUED BY THE FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS, AS SUCCESSOR TO THE FRANKLIN COUNTY COMMISSION, AND DESIGNATED AS PARCEL A ON A PLAN OF LAND TITLED "PLAN OF LAND PREPARED FOR THE CITY OF GREENFIELD LOCATED IN GREENFIELD MASSACHUSETTS" PREPARED BY DANIEL L. WERNER, P.L.S. AND DATED SEPTEMBER 4, 2019, AFFIXED HERETO, A COPY WHICH WAS FILED WITH THE CITY CLERK MORE THAN SEVEN DAYS PRIOR TO THIS MEETING ON OCTOBER 30, 2019, AND WHICH SHALL BE RECORDED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS WITHIN THIRTY (30) DAYS HEREAFTER;

- THAT THE CITY OF GREENFIELD SHALL ACCEPT THE ABOVE SAID PORTION OF COURT SQUARE LAID OUT IN SAID PLAN, AS A PUBLIC WAY OF THE CITY OF GREENFIELD.

Order no. FY 20-041A1

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL DECLARES REAL ESTATE OFF OF CUMBERLAND ROAD, A.K.A. OLD COUNTY ROAD, BEING SHOWN ON ASSESSORS MAP R41, BLOCK 9A, TO BE SURPLUS PROPERTY AND TRANSFERS SAID PROPERTY TO THE MAYOR FOR SALE.

Order no. FY 20-041A2

MOTION: On a motion by Councilor Stempel, second by Councilor Mass, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL AUTHORIZES THE MAYOR TO SELL REAL ESTATE OFF OF CUMBERLAND ROAD, A.K.A. OLD COUNTY ROAD, ASSESSORS MAP R41, BLOCK 9A, PURSUANT TO THE CITY COUNCIL POLICY FOR THE SALE OF CITY OWNED LAND AND AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.

MOTION: On a motion by Councilor Dolan, second by Councilor Wheeler, it was by majority show of hands, 7 yes, 4 no, 1 abstention,

VOTED: TO RECONSIDER VOTE TO TABLE ORDER NO. FY20-048.

MOTION: On a motion by Councilor Gilmour, second by Councilor Wheeler, it was by majority, 1 no, **TABLED ORDER NO. FY20-048 UNTIL DECEMBER 2019.**